

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

DONALD C. HOSKINSON,

*Plaintiff,*

vs.

JAMES CHATHAM, JOYCE  
CHATHAM, DEANNA L. RECTOR-  
HOSKINSON,

*Defendants.*

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SA-21-CV-01288-FB

**ORDER**

Before the Court is the above-styled cause of action, which has been referred to the undersigned pursuant to Western District of Texas Local Rule CV-72 and Appendix C [#4]. The record reflects that on January 24, 2022, the undersigned recommended denying Plaintiff's motion to proceed *in forma pauperis* ("IFP") and returned this case to the District Court. Before the District Court issued an order accepting or denying the recommendation, Plaintiff paid the filing fee. The District Court therefore dismissed the recommendation denying IFP as moot and re-returned the case to the undersigned for pretrial management.

It has come to the Court's attention that Plaintiff, when he paid the filing fee, did not pay the full fee required to initiate a civil proceeding in this Court. All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for a writ of habeas corpus, must pay a filing fee of \$350, as well as an administrative fee.<sup>1</sup> See 28 U.S.C. § 1914(a). As Plaintiff has not been granted the privilege to proceed IFP, the administrative fee

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<sup>1</sup> The administrative fee, which is currently \$52, is waived for plaintiffs who are granted IFP status. See *District Court Miscellaneous Fee Schedule*, available at <http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>.

has not been waived. Plaintiff has only paid \$350 of the full \$402 filing fee required in the Western District of Texas to file a civil case. *See Western District of Texas Fee Schedule*, available at <https://www.txwd.uscourts.gov/court-information/fee-schedule/>. Plaintiff has not paid sufficient funds to proceed with his suit. The undersigned has already recommended Plaintiff's motion to proceed IFP be denied, as he has sufficient funds in his prisoner account to pay the full filing fee. Thus, to avoid dismissal, Plaintiff must pay the remaining portion of the filing fee.

**IT IS THEREFORE ORDERED** that within 21 days of the date of this Order, on or before **March 4, 2022**, Plaintiff must pay the remaining \$52 of the filing fee or be subject to dismissal of this case for failure to prosecute and failure to comply with the Orders of this Court. *See* Fed. R. Civ. P. 41(b).

SIGNED this 11th day of February, 2022.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE